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**IN THE AMERICAN ARBITRATION ASSOCIATION**

EVAN BIRENBAUM.  
Claimant,

v.

CRYPTOWATT MANAGEMENT,  
LLC; CRYPTOWATT MINING, LLC;  
CRYPTOWATT INVESTMENT  
PARTNERS, LLC; BITPOWER  
MANAGEMENT, LLC; BITPOWER,  
LLC; BITPOWER INVESTMENT  
PARTNERS, LLC; ATLAS POWER,  
LLC; ATLAS POWER HOLDINGS,  
LLC; and DOES 1 through 100.  
Respondents.

Case No.: 01-21-0002-5535

Hon. William Nels Swandal (Ret.)  
Case Administrator: Stacey Coe

**EXECUTED SCHEDULING ORDER**

Date: September 8, 2021

**1. Hearing on Merits**

The Hearing on Merits is scheduled for September 13, 2022, at 9:00 a.m. (local time).

**2. Pre-Hearing Mediation**

Mediation shall be completed by February 14, 2022.

**3. Specification of Claims and Counterclaim**

The deadline to amend pleadings is February 14, 2022.

**4. Date for Identification of Witnesses**

The Parties shall identify any witnesses for the Hearing on Merits by not later than August 23, 2022.

**5. Exchange of Documents/Discovery:**

*Initial Disclosures:* The parties agree to the Initial Discovery Protocols for Employment Arbitration Cases (“Initial Disclosures”):

For Claimant and CryptoWatt Management, LLC f/k/a Bitpower Management, LLC, the deadline to serve Initial Disclosures is October 14, 2021. For Atlas, the deadline to serve Initial Disclosures is not more than two weeks after any final ruling denying its jurisdictional motion.

*Non-expert discovery cutoff:* July 12, 2022.

*Initial expert disclosures:* July 19, 2022.

*Rebuttal expert disclosures:* August 2, 2022.

*Expert discovery cutoff:* August 16, 2022.

*Discovery Disputes:* In the event the parties encounter any issues related to discovery, the standard procedure for resolving such disputes shall be to first attempt to resolve the issue by conferring with the opposing party. If the parties are unable to

resolve the issue, they may request an informal discovery conference with the Arbitrator or file a motion to compel. The motion, opposition, and reply will each be subject to a 3-page briefing limit.

**6. Stipulations of Uncontested Facts (If Any)**

The deadline to submit stipulations of uncontested facts, if any, is August 23, 2022.

**7. Advanced Exchange of Identification of Exhibits**

The parties will submit a joint exhibit list by August 23, 2022.

Three copies of pre-marked exhibits are to be made and brought to the hearing.

**8. Communication**

Any and all documents to be filed with or submitted to the Arbitrator outside the hearing shall be provided to the AAA for transmittal to the Arbitrator. Copies of said documents shall also be sent to the opposing parties. There shall be no direct oral or written communication between the parties and the Arbitrators, except at oral hearings.

**9. Cybersecurity/Privacy:**

Having reviewed the *AAA-ICDR Best Practices Guide for Maintaining Cybersecurity and Privacy* and discussing what specific precautions might be required with regard to cybersecurity, privacy, and data protection in order to ensure an appropriate level of security for this case, the following measures shall be implemented: Any documents designated as confidential shall be transmitted via a password protected link.

**10. Court Reporter:**

Pursuant to the rules, any party desiring a stenographic record shall make arrangements directly with a stenographer and shall notify the other parties and the AAA of these arrangements *at least three days in advance of the hearing*. The requesting party or parties shall pay the cost of the record. If the transcripts agreed by the parties, or determined by the Arbitrator to be the official record of the proceeding, it must be provided to the Arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the Arbitrator.

**11. Form of Award**

Pursuant to the rules, a reasoned opinion will be issued.

**12. Additional Management Conference Call**

Any party may request an additional management conference call should the need for it arise. A final status conference will be held on August 30, 2022.

**13. Other Issues Discussed**

a. Atlas's Jurisdictional Challenge

The hearing on Atlas's jurisdictional challenge is set for November 3, 2021. The opposition is due on October 20, 2021. The reply is due October 27, 2021. Reasonable jurisdictional discovery will be permitted.

b. Parties Who Have Not Appeared

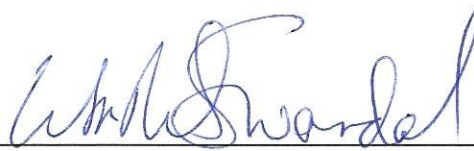


The following parties have not answered or entered an appearance in this arbitration: Cryptowatt Mining, LLC; Cryptowatt Investment Partners, LLC; Bitpower, LLC; Bitpower Investment Partners, LLC.

c. Confidentiality Agreement

The parties should confer on and try to reach a stipulated agreement to facilitate the exchange of confidential documents.

Dated:

A handwritten signature in blue ink, appearing to read "W. Nels Swandal", is written over a horizontal line.

Hon. William Nels Swandal (Ret.)  
AAA Arbitrator

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Respectfully Submitted By:

DATED: 9/9/2021

NELSON & FRAENKEL LLP

By: /s/ Gabriel Barenfeld

Gretchen Nelson

Gabriel S. Barenfeld

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DATED: 9/9/2021

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